

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ANTENOR DALFIOR,

Plaintiff,

v.

ANTICO FORNO, INC.

CARLA GOMES,

Defendants.

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Case No. 1:23-CV-11368-AK

**DEFENDANTS' ANSWER TO THE COMPLAINT AND JURY DEMAND**

Defendants Antico Forno, Inc., and Carla Gomes (collectively the “Defendants”) answer and respond to the correspondingly numbered paragraphs of Plaintiff’s Complaint and Jury Demand (the “Complaint”) as follows:

**Introduction**

1. Defendants admit that this action purports to be a claim for violation of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (the “FLSA”), and that the Complaint seeks damages. Defendants deny the remaining allegations set forth in paragraph 1 of the Complaint.

**Parties**

2. Defendants admit Plaintiff is an adult. Defendants lack sufficient knowledge as to whether Plaintiff resides in Malden, Massachusetts, and therefore denies same. Defendants deny the remaining allegations set forth in paragraph 2 of the Complaint.

3. Defendants admit the allegations set forth in paragraph 3 of the Complaint.

4. Defendants admit the allegations set forth in paragraph 4 of the Complaint.

**Jurisdiction and Venue**

5. Defendants admit the allegations set forth in paragraph 5 of the Complaint.
6. Defendants admit the allegations set forth in paragraph 6 of the Complaint.
7. Defendants admit the allegations set forth in paragraph 7 of the Complaint.

**Facts**

8. Defendants admit that Plaintiff worked for them from 2018 to June 2023, and deny the remaining allegations set forth in paragraph 8 of the Complaint.

9. Defendants admit that Plaintiff was paid at a rate of \$28.00 per hour. Defendants deny the remaining allegations set forth in paragraph 9 of the Complaint, if any.

10. Defendants admit that Plaintiff often worked more than 40 hours per week.

11. Defendants deny the allegations set forth in paragraph 11 of the Complaint.

12. Defendants admit that on many weeks, Plaintiff's paycheck was split into two separate checks, at his request. Exhibit 1 to the Complaint speaks for itself, and no response is required. To the extent a response is required, Defendants deny this allegation, and all remaining allegations set forth in paragraph 12 of the Complaint.

13. Defendants deny that they knowingly and willfully failed to pay overtime.

14. Defendants state that Exhibit 2 to the Complaint speaks for itself, and no response is required. To the extent a response is required, Defendants deny the allegations set forth in paragraph 14 of the Complaint.

**COUNT I**

The unnumbered paragraph under Count 1 of the Complaint states a legal conclusion to which no response is required. To the extent a response is required, Defendants deny the allegations set forth in this paragraph.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

Defendant denies each and every allegation in the Complaint that has not been specifically admitted.

**Second Affirmative Defense**

Plaintiff's alleged damages, if any, are the direct and proximate result of Plaintiff's own actions.

**Third Affirmative Defense**

Plaintiff's claims are barred in whole or in part by the doctrines of estoppel, waiver, acquiescence, unclean hands, and/or other equitable limitations.

**Fourth Affirmative Defense**

Defendants reserve the right to add additional affirmative defenses to this answer upon discovery in the matter.

WHEREFORE, the Defendants deny Plaintiff's entitlement to any and all of the relief requested in the Complaint and incorporates by reference the affirmative defenses set forth above.

RESPECTFULLY SUBMITTED,

ANTICO FORNO  
CARLA GOMES

By their attorneys,

/s/ Martha J. Zackin

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Dated: March 20, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that this document has been filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 20, 2024.

/s/ Martha J. Zackin